

DOTY ASTOUNDED BY ORDER OF GOV. DIX

MAYOR GAYNOR REFUSES TO SIT AT PEACE DINNER

WEATHER—Fair to-night and Friday; colder.

FINAL EDITION.

The



World.

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BILLION DOLLAR MERGER BY BEEF MAGNATES WAS AN ENGLISH LORD'S IDEA

Gigantic "Watering" Scheme Was Too Much for Packers, Who Saw "the Humor."

BUT THEY ACTED LATER.

Wall Street Was Brought Into Plan by Which Trust Was to Be Swelled.

CHICAGO, Dec. 28.—Lord Panmure Gordon, an English promoter, first suggested the merger of packing corporations in the United States at a capitalization of \$250,000,000, according to Albert H. Veder, who today continued his testimony in the trial of the ten Chicago packers before Judge Carpenter in the United States District Court.

The English financier visited the United States early in 1902 and after directing the merger of several American industries, called on Gustavus F. Swift and suggested a consolidation of the packing companies.

Mr. Swift rejected the proposition, but evidently was impressed with the suggestion and several months later a conference of Chicago packers was held, at which the preliminary plans for the merger were arranged upon and steps later taken to finance it. This preliminary meeting was attended by Gustavus F. Swift, J. Ogden Armour, Edward Morris and others.

SAW THE HUMOR OF BIG STOCK WATERING PLAN.

It was the third day of testimony by Veder, who is attorney for Swift and Company. He was on the stand in the greater part of the day testifying regarding the details of the transactions which led to the proposed merger in 1902.

Half a dozen contracts, options and agreements, under which the packers combination acquired the property of competitive concerns were produced by Veder and incorporated in the evidence.

Having shown by documentary proof that the ten packers made repeated efforts to organize a syndicate which should combine all the packing interests of the country, and that they finally organized for such an end the National Packing Company, Attorney Pierce Butler for the Government today resumed the examination of Veder in an effort to show in detail the discussion and plans of the packers at their informal conferences when they were trying to induce Wall Street to help them float the billion-dollar concern in 1902.

Veder says there was much discussion among Armour, Swift and Morris as to how they could pour plenty of water into their proposed organization without having it become too apparent.

"They discussed many schemes," said Veder, "and finally the plan of turning over their properties to the new concern as there was no other offered. The packers saw the humor in the time-honored plan and decided to devise some other means. Then it was decided to use twenty-five times the individual net earnings for the year as a basis for capitalization."

ADDED \$650,000,000 OF WATERED STOCK.

It was by this means that the packers added nearly \$650,000,000 of water to their proposed billion dollar capitalization.

It was also brought out when Attorney Butler began seeking for details surrounding the written agreements that Veder admitted that besides borrowing \$10,000,000 from the Standard Oil-Harriman-Gary interests, the packers proposed to give the Wall Street interests \$10,000,000 of the stock of their syndicate in consideration of the loan. Beside this they were to repay the loan with interest in three years.

When this scheme fell through, Veder testified, the packers immediately planned their second proposal, which also went for naught.

"Was the final report of the appraisers and expert accountants on the value of the tangible property of the promoters of the big merger ever made?" asked Special Counsel Butler of Mr. Veder.

"The reports were not completed until after the big merger had failed and each

SUBWAY CAVE-IN KILLS TWO 90 FEET UNDER THE STREET

Gang of Fifteen Narrowly Escapes in Collapse of New Bore in Brooklyn.

ONE FOUND UNINJURED.

Accident at Flatbush Avenue Station, Where Tracks Cross at Four Levels.

Three of the fifteen men working in a bore of the Fourth avenue subway at Fourth, Atlantic and Flatbush avenues, Brooklyn, were caught in a cave-in at 2 o'clock this morning.

Two were taken out dead, one of them, Thomas Williams, a brother of the night superintendent of the work, being found four hours later badly crushed. In hope that he might still be alive a large force of men, assisted by police reserves and firemen, had worked desperately against great difficulties to get to him.

When found, his body was against a number of falling crossbeams, which had evidently barred his progress as he tried to make his escape.

The third man in the tube was taken out a short time after the accident with only a few scratches.

The cave-in is believed to have been due to the constant vibration from subway, elevated and railroad trains and trolley cars in the neighborhood. It occurred in one of two bores at the bottom of a ninety-foot shaft, which is about thirty feet square in the triangular area bounded by the three avenues.

The shaft is alongside the present subway station. Overhead is the elevated, carrying trains to Coney Island, Bay Ridge, Borough Park and Bay Beach, and on the surface are trolley cars of the Fifth, Seventh, Flatbush and St. John's place lines. Just across the street is the Long Island Railroad station.

WORKING 45 FEET BELOW PRESENT SUBWAY.

The ninety-foot shaft was necessary to get below the present subway, which is forty-five feet below the surface. The two bores in course of construction from the side of the shaft go toward Flatbush place. Each bore is about twelve feet square.

At 2 o'clock this morning the fifteen were working in the bore at varying distances from the shaft. The three farthest in were Thomas Williams, nineteen, of No. 124 St. Mark's place, Herbert Cole, colored, twenty-five years old, of No. 11 East One Hundred and Thirty-fourth street, and John Lumpkins, twenty-eight, colored, of No. 19 West One Hundred and Thirty-seventh street.

Suddenly there was a crunching of timbers farthest from the shaft, and in an instant the walls began to cave in, but at the first sound of disaster the men nearest the opening into the shaft began to run, and all of them got out of the bore except the three farthest.

Dozens of men grabbed poles and shovels and began to dig amid the debris. The first man reached was Lumpkins, who was pulled out and found to have only a few scratches and bruises.

The rescue work was slow because the men had to shore up the sides of the bore as they went along. Thirty additional men were added to the force after the difficulty of reaching young Williams became apparent, and one of the most active was the brother of the entombed man, the night superintendent, who wielded a pick alongside the others, as well as directed the work.

Chief Engineer Alfred Graves of the Public Service Commission reported that the accident had not given cause for alarm as to the present subway. An examination showed that the tracks had settled slightly in the terminal.

SIXTEEN KINFOLK BEGIN A FIGHT FOR CAMPBELL RICHES

Allege Aged Millionaire Was Irresponsible When She Left \$2,000,000 to Cousins.

MADE LIST OF RELATIVES

But Miss Campbell Didn't Follow It When She Finally Signed Her Will.

Sixteen of the thirty-nine relatives not mentioned in the will of Miss Maria L. Campbell, the eighty-one-year-old spinster who died May 28 last, leaving an estate worth more than \$2,000,000, began suit in Surrogate Fowler's Court, today to upset the will, charging undue influence and incapacity to execute the document. The identity of the person or persons who so influenced the aged woman remained as deep a mystery as when William S. Van Rensselaer, a second cousin, filed notice of his contest last September.

Outside of several small legacies to family servants, the will, bearing the date Oct. 21, 1908, bequeathed all the estate to four first cousins of the testatrix: Justine V. R. Townsend, of No. 21 East Seventy-eighth street; Harriet W. H. Crosby, of Charleston, W. Va.; Howard Van Rensselaer, of Berkeley Springs, W. Va.; and Catherine V. R. Berry. The latter died prior to the death of Miss Campbell and her share of the estate was allotted to her children, Walter V. R. Berry, of No. 32 Avenue del Opera, Paris, and Matilda Boynton of Washington, D. C.

Howard Townsend, a second cousin of Miss Campbell, was named executor. He had held power of attorney for the aged woman for some years before her death. Mr. Townsend secured John V. Houvier Jr. to defend the provisions of the will. James W. Osborne is the counsel for the contestants.

Taking up the events preceding the making of Miss Campbell's will, Lawyer Osborne asked Mrs. Thomas Pearl Campbell, widow of Miss Campbell's brother, whether she had ever asked the testatrix to make a will or had suggested such a will to her.

"Well, yes, I did," replied Mrs. Campbell. "It was two days before the will was made. She and I owned some real estate jointly and I suggested she partition the property or else arrange about it in a will to prevent me being tied up in the courts by the other relatives. She said she would never agree to partition the estate, but later said she would do something about it. I didn't hear just what she said."

The question and answer brought forth a determined protest from Mr. Houvier. Lawyer Osborne said he was looking for light.

HELPED AGED WOMAN TO COMPILE LIST OF RELATIVES.

"Your Honor, there is a most delicate point involved in this case, and I do not, for reasons of my own, care to go into details about it at this time," said Lawyer Osborne. "We say this witness was one who helped to bring about the execution of this will by suggesting to Miss Campbell that she ought to make such a will to prevent the real estate from being tied up in the courts."

Later Mr. Osborne brought out the fact that Mrs. Campbell helped the aged testatrix to compile a list of relatives who might be interested in her estate. This list, the lawyer stated, has disappeared and cannot be found. Each time the list was mentioned demands were made to produce it. No one knew where the list was.

Mrs. Campbell then was asked about a conversation she had with Mr. Van Rensselaer, mother of one of the contestants, at a hotel in West Forty-ninth street before Miss Campbell's death.

"I told Mrs. Van Rensselaer that the list I helped her, my sister-in-law, draw up. She said, 'Now, this is a delicate matter and I am not asking this for myself, but for my son. Will you tell me, if you can remember, whether my son is mentioned in that will?' I said I could not remember hearing the name of Van Rensselaer when the will was read in my presence."

PEACE A LA TAFT NOT THE ONLY DISH ON DINNER MENU

So Henry Clews Replies to Roosevelt's Insinuations of Political Booms.

MAYOR GAYNOR SHIES.

He's a Scrapper, but, Like the Colonel, He Declines Chance to Swat the Dove.

Peace! Peace! But there is no peace. Now comes Henry Clews, chairman of one of the sub-committees of the Peace Dinner to be held at the Waldorf Saturday night, and declares Col. Theodore Roosevelt is mistaken when he insinuates that the dinner was arranged primarily as a boost for President Taft in the way of an endorsement of his arbitration policies.

The Colonel did not say it in so many words, but he strongly hinted that the promoters of the dinner sought to help the President and his policies.

It so happens that on the committee arranging for the dinner there are many strong Roosevelt supporters. Naturally, they are sore because the Colonel has refused to mix up with them Saturday night, and their soreness is directed at the friends of President Taft on the committee. The newspapers have notified their war correspondents to attend the dinner.

Mr. Clews was moved to speech this afternoon. He had read Col. Roosevelt's remarks and could contain himself no longer. This is what he said:

"The purpose and import of this banquet has not been changed. The Executive Committee has taken no action relative to changing its imports and purposes and so far as I know none will be taken. The purposes of the banquet and the movement are so big and so broad that the personal policies, feelings or opinions of no one man in the United States can change it. The import of the banquet is to support and approve President Taft's arbitration policy or any other definite plan for securing or helping to bring about universal peace."

WANTED: A HUSKY CITIZEN TO RECEIVE GUESTS.

Much as he loves a scrap, Mayor Gaynor will not attend the dinner. He made the announcement this afternoon at the City Hall. Inasmuch as the Mayor will not attend the dinner, he cannot serve as chairman of the Reception Committee and some one else—preferably a big strong man with a punch in either hand—will have to be selected.

The Mayor felt called upon to make his official announcement because of the confusing reports that have been sent out with respect to his intentions about the dinner. He accepts no invitation to Saturday night affairs, preferring to spend his Saturdays and Sundays at his country home at St. James, L. I.

The official announcement that the Mayor—although he likes a disturbance as well as anybody—will refrain from attending the Peace Dinner and spend Saturday evening listening to the wind whistles blow around his house and the waves of Long Island Sound beat on the beach is the latest development in the history of the affair. The Mayor is the second distinguished advertised guest to declare himself out within twenty-four hours.

Col. Theodore Roosevelt, who has been known to go out of his way to bring battle and strife, definitely and positively wished himself out of the Peace Dinner last night. The Colonel laughingly said he didn't feel hungry.

T. R. HAS WRITTEN A FEW SULPHUROUS WORDS.

However, the Colonel has written a letter on the subject. In this letter the Colonel takes a mighty fall out of the arbitration policy advocated by President Taft. He throws them down and kicks them, and lifts them up and throws them down again. Entertaining as he does, his well known and militant opinions about arbitration and peace, the Colonel deems it best that he should spend Saturday evening at Oyster Bay reading books on massing men and wars.

It is not because President Taft is the guest of honor at the dinner that Col. Roosevelt refused to accept an invitation. Nay, nay. As hereinbefore stated, Col. Roosevelt would go so far as around the block to mix up in something, but he has his own reasons for missing the Peace Dinner.

"My attitude," said the Colonel, "in regard to certain arbitration treaties is

Daughter of Tammany Ex-Boss and Husband She Secretly Wed.



CROKER IS SUED BY SON-IN-LAW, FORMER GROOM

Breen Wants \$100,000 for Alleged Alienation of Wife by Her Family.

John J. Breen, who married Miss Ethel J. Croker, daughter of Richard Croker, former leader of Tammany Hall, filed suit in the Supreme Court this afternoon against the retired politician, Richard Croker Jr. and Howard Croker for \$100,000 damages for alienation of affections.

Breen and Miss Croker were married in Hoboken April 28, 1910. Breen alleges that the former Tammany chieftain and his sons, "wrongfully contriving to injure" him and deprive him of the love and affection of his wife, influenced and induced her to abandon him. He charges that Croker and his sons succeeded in destroying and alienating the affections of his wife.

The complaint in the case was drawn by Elliott, Gruber, Bonyne & McManus. It is very brief and does not disclose any of the details of the case.

Breen simply said he and his wife lived peacefully, happily and harmoniously together until Croker and his sons came between them.

DIX NAMES VAN SANTVOORD HIS PERSONAL COUNSEL

Troy Lawyer and Banker Takes Office as Successor to William Church Osborne.

ALBANY, Dec. 28.—Gov. Dix today announced the appointment of Seymour Van Santvoord, N. Y., as his personal counsel to succeed William Church Osborne, who resigned Nov. 10. The position pays \$5,000 a year.

Mr. Van Santvoord is a prominent lawyer and banker and a close personal friend of the Governor. He was chairman of the Committee on Resolutions at the Rochester State Convention and was one of the candidates voted for by the insurgent Democrats during the United States Senatorial deadlock of the present year.

DROPS DEAD ON THE STREET.

Albert Breuer of No. 315 West Thirty-ninth street, employed in the wine store of Joseph Hergetts at No. 315 West Thirty-ninth street, dropped dead this afternoon at Forty-first street and Eighth avenue. He was carrying a basket containing thirteen bottles of wine when he was suddenly seized with a fit. He spun around several times, scattering the wine on the pavement, and then toppled over.

A brother of Breuer was in the crowd that collected and identified the body. Breuer's widow was released from the hospital today. He had finished a party to celebrate her homecoming.

AIR CARRIER INCORPORATED.

Special to The Evening World.

TRENTON, N. J., Dec. 28.—Papers of incorporation were filed this afternoon in the office of the Secretary of State by the American Hydro-Aeroplane Company, which stated its intention to build and operate aeroplanes and to carry passengers and freight in them. Further details of the proposed aerial line are not given.

The authorized capital stock is \$100,000 and the incorporators are Edwin R. Brown, of Philadelphia; Louis E. Corn, of Philadelphia; and William B. McDonald, of Camden, N. J. The company's principal offices are in Camden.

Miss Snyder, an actress well known in Brooklyn, who has often appeared in musical comedy and vaudeville on Broadway, committed suicide last night at the St. James Hotel in St. Louis by drinking carbolic acid. She had been in bad health and her relatives, who live at No. 443 Ridgewood avenue, Brooklyn, are of the opinion that her illness brought about mental aberration.

Edward J. Snyder, a salesman, the father of the actress, left for St. Louis this afternoon to claim the body and bring it home. Miss Snyder was married, her husband being George F. Miller, a former baseball player, who was her partner in vaudeville. Her father does not know whether Miller was with her when she killed herself.

Owing to ill health Miss Snyder had been unable to keep her professional engagements for the last six months. She had not been home for two years, the doctors advising her to keep to the high altitudes of the Far West. Her father received a telegram from her yesterday stating that she would be home Saturday. She said she had stopped in St. Louis for a rest, having come from Arizona.

Rama Snyder was born in Brooklyn. When she was fourteen years old she was the soprano soloist in the Church of Our Lady of Lourdes. Three years later she went on the stage, and in a short time attracted the attention of Lew Fields, who engaged her for the production of "It Happened in Nardland."

She played the leading roles in "Fanny" and other musical comedies. In October, 1908, she married George Miller at Worcester, Mass., and entered vaudeville with him as a partner. They appeared last in New York four years ago.

Miss Snyder left notes asking that a notice be sent to her brother, J. E. Snyder, No. 443 Ridgewood avenue, Brooklyn.

COUNSEL FOR DOTY "ASTOUNDED" BY DIX'S ORDER OF REMOVAL

Draw Attention to Similarity of Language Used by the State Executive and Ex-Judge Bulger in His Report.

GOVERNOR'S REMOVAL ORDER BITTERLY SCORES DOCTOR.

Says That the Conditions Revealed by the Investigation "Makes One Ashamed of the State."

Late this afternoon, a statement was issued by O'Gorman, Battle & Marshall, the law firm that guarded the interests of Dr. Alvah H. Doty, Health Officer of the Port of New York, during the investigation that led to the demand by Gov. Dix for the resignation of the doctor.

The statement professes that Dr. Doty and his counsel are "astounded" by the Governor's action; that the language of the Governor's order is practically the same as that used in ex-Judge Bulger's report recommending the removal of Dr. Doty; that Dr. Doty's administration was highly creditable, and that no tangible reason has been shown for his removal.

"Both Dr. Doty and his counsel are astounded at the communication from the Governor. It was believed that the matter would be referred by the Governor to his legal adviser, Hon. William Church Osborne, and that opportunity for argument before Mr. Osborne would be accorded. But this course was not taken, and the conclusions of Commissioner Bulger have been sustained by the Governor almost in the same language as that used by the commissioner. These conclusions are, in our opinion, not only without foundation, but directly in contravention of the testimony."

"As to the criticisms upon his business administration, the fact is not mentioned in the letter of the Governor that Dr. Doty has had charge of the business affairs of Swinburne and Hoffman Islands only for the last two years; that during that period he has been constantly engaged in warding off the onsets of cholera, and that, notwithstanding these difficulties, he has erected new hospitals and accomplished great improvements without any loss to the State."

It was shown that the shortage of the clerk Sutherland was made good. The statement that coal was furnished above the market rate is not, in our opinion, borne out by the evidence, but, on the contrary, it appears that the coal furnished was of excellent quality and of reasonable price. In view of the disadvantages under which he has labored, we think that the evidence showed that the business administration of the affairs of his office has been highly creditable to Dr. Doty."

"As to the administration of the office from the viewpoint of quarantine and sanitation, we are quite willing to rest upon the testimony and the opinions of such men as Dr. William M. Peck, Dr. Abraham Jacoby, Dr. Simon Fleisher, Dr. John W. Brannan, Dr. Charles H. Park and other physicians of equal eminence. And there remains the substantial fact that cholera and other communicable diseases have been, without undue interference with commerce, kept from our shores."

"As to the request for the resignation of Dr. Doty he is firmly convinced that no reason has been shown beyond the request of the Governor that he take such action. His term of office expired some months ago and he has been personally anxious to lay down the heavy burden he has sustained for fifteen years. He has never been a suppliant for reinstatement but has been and will be prompt and vigorous to resist such a suggestion. He will, however, give the matter his careful consideration, and make such reply to the communication of the Governor as may seem just and proper."

(Signed) O'Gorman, Battle & Marshall.

DOTY TOLD TO RESIGN BY DIX, WHO SAYS ALL CHARGES ARE PROVED.

ALBANY, Dec. 28.—Gov. Dix has asked for the immediate resignation of Dr. Alvah H. Doty as Health Officer of the Port of New York, a position he has held since 1905. Dr. Doty's term expired last January. His removal was recommended recently by Charles N. Bulger, the commissioner appointed by the Governor to investigate the management and affairs of the office.

In his letter to Dr. Doty made public today the Governor reviews the record of the Health Officer, who directed that the history of the business administration of the State's quarantine of foreign ships be preserved.

A crowded south bound Madison avenue car collided with a truck loaded with brick at Fifty-third street late this afternoon. Every window in the car was broken and half a score of passengers were cut by glass or bruised, though all but three declined medical treatment.

Ida Ratner of No. 31 East One Hundred and Twelfth street, Joseph Leonard of No. 381 East Third street, and Sarah Greenberg of No. 46 Avenue D, suffering from cuts, were attended by Dr. Barrett of Flower Hospital. None of them was seriously injured.

The truck, owned by H. W. Bell, a contractor at Forty-eighth street and East River, was southbound at Fifty-third street when the car came along. Peter Drew, the motorman, of No. 384 East Fifty-ninth street, put on the brakes, but could not stop the car and the front platform smashed into the truck's rear wheel.

Because of the heavy load of the truck the car stopped immediately and standing and seated passengers alike were thrown off their balance. Henry Nibbel of No. 44 East One Hundred and sixty-third street, driver of the truck, stuck to his seat.

Women and Men Flung to Floor From Straps and Seats on Madison Avenue.

(Continued on Second Page.)

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